

Ab! --An oven assembly having oppositely disposed first and second wall structures enclosing a cooking chamber, each wall structure having a plurality of spaced apart openings for passage of air therethrough. A rotating valve is provided, which is in heated air receiving communication and return air communication with a heat source and in heated air distributing communication with the first wall structure and in return air communication with the second wall structure whereby heated air is passed through the spaced apart openings in the first wall structure into the cooking chamber and return air from the cooking chamber is passed through the spaced apart openings in the oppositely disposed second wall structure and to the rotating valve for return to the heat source. The rotating valve is rotatable to be in heated air distributing communication with the second wall structure and in return air communication with the first wall structure.--

There is no additional fee for this amendment because the number of independent claims and the total number of claims remain unchanged.

REMARKS

Applicants respectfully request favorable reconsideration of the subject patent application, particularly in view of the above Amendment and the following remarks.

Serial No.: 09/835,078

Applicants have amended the ABSTRACT OF THE DISCLOSURE in order to reduce the number of words contained therein to less than 150 words.

The abstract of the disclosure has been objected to because it is longer than 150 words. Applicants respectfully urge that the above amendment by which the abstract of the disclosure has been reduced to less than 150 words fully overcomes this objection.

The invention claimed by Applicants is an oven assembly for cooking food products comprising a first pair of oppositely disposed first and second wall structures defining a cooking chamber. Each of the first and second wall structures forms a plurality of spaced apart openings for the passage of air therethrough. The assembly further comprises a rotating valve, which is in *both heated air receiving communication and return air communication with a heat source*. The rotating valve may also be in heated air distributing communication with the first wall structure and in return air communication with the second wall structure at a selected point in time such that heated air is passed through the plurality of spaced apart openings in the first wall structure into the cooking chamber and return air from the cooking chamber is passed through the plurality of spaced apart openings in the oppositely disposed second wall structure and then to the rotating valve for return to the heat source. The rotating valve is capable of being rotated to be in heated air distributing

Serial No.: 09/835,078

communication with the second wall structure and in return air communication with the first wall structure. *The crux of this invention is the use of a rotating valve that is in simultaneous communication with both the heated air and the return air.* Applicants respectfully urge that a cooking assembly as claimed by Applicants is neither taught nor suggested by the prior art relied upon by the Examiner for rejection of the subject application.

Claims 1 and 3-22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads et al., U.S. Patent 3,861,378 (hereinafter the "Rhoads et al. patent"). This rejection is respectfully traversed. The Rhoads et al. patent teaches an oven having a removable bottom portion and an upper plenum portion containing a heater element and a fan which forces air across the heater elements down through one of the sides of the oven through a tapered duct and outwardly through a diffuser panel into the oven. Part of the air re-enters the plenum portion in the center and part of it passes through a second diffuser panel back up a second tapered duct and back into the plenum portion. The oven further comprises a pair of flaps 65 and 67 that are simultaneously movable to new positions by which the direction of air flow in the oven can be reversed to provide more uniform heating of the food product (Abstract, Col. 3, lines 28-40, Fig. 2). Fig. 3 of the Rhoads et al. patent shows the mechanism by which the flaps 65 and 67 are alternatingly opened and closed. As shown therein,

Serial No.: 09/835,078

the motor 69 drives a cam 71 which holds the lever arm 73 in the position shown during half of its revolution and forces the flap 65 down while simultaneously raising flap 67 during the second half of its revolution (Col. 3, lines 41-51). As can better be seen in Fig. 2 of the Rhoads et al. patent, when flap 65 is in the “down position” and flap 67 is in the “up position”, the flow of air is from left to right in the figure. When flap 65 is in the “up position” and flap 67 is in the “down position”, the flow of air is from right to left. The Examiner argues that this combination of elements taught by the Rhoads et al. patent constitutes a rotating valve assembly, which anticipates the rotating valve employed in the method and apparatus of the invention claimed by Applicants. Applicants respectfully disagree.

As commonly understood, the term “rotation” means the turning around of an article on its axis. As shown in Fig. 5 of the subject application, the rotating valve utilized in the method and apparatus of the invention claimed by Applicants rotates around longitudinal axis “L”. No such rotating valve is taught or suggested by the Rhoads et al. patent. Applicants acknowledge that flaps 65 and 67 of the apparatus of the Rhoads et al. patent could each be said to rotate around an axis, namely the axes of their respective hinges, in which case Applicants would urge that the Rhoads et al. patent teaches an oven having *two rotating valves*, each flap, by itself, being considered to be a “rotating valve.”

Serial No.: 09/835,078

As previously stated, one of the requirements of the invention claimed by Applicants is that *the rotating valve is in communication with both the heated air and the return air*. Applicants respectfully urge that neither flap 65, 67 of the Rhoads et al. patent is in communication with *both the heated air and the return air* as required by Applicants' claimed invention. As can clearly be seen in Fig. 3, when flap 65 is in the "down position" and flap 67 is in the "up position", flap 65 is only in contact with heated air from heating coils 63 while flap 67 is only in communication with return air and, when the respective positions of the two flaps are reversed, thereby reversing the direction of air flow, flap 67 is only in communication with heated air and flap 65 is only in communication with return air.

Accordingly, given the fact that the Rhoads et al. patent does not teach or suggest an oven with a rotating valve as claimed by Applicants, and further given the fact that the Rhoads et al. patent neither teaches nor suggests an oven having a rotating valve that is in communication with both the heated air and return air as claimed by Applicants, Applicants respectfully urge that the Rhoads et al. patent does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Rhoads et al. patent as applied to Claim 1 as discussed herein above, and

Serial No.: 09/835,078

further in view of König, U.S., Patent 4,779,604 (hereinafter the “König patent”). This rejection is respectfully traversed. Applicants’ arguments with respect to the Rhoads et al. patent are equally applicable to this patent and, thus, will not be repeated other than to reiterate that the Rhoads et al. patent neither teaches nor suggests an oven as claimed by Applicants comprising a rotating valve which is in communication with both the heated air and the return air. The König patent is relied upon by the Examiner for its teachings regarding a baking device comprising a burner, the use of which is not taught by the Rhoads et al. patent. The Examiner argues that because burners are commonly used heating sources in baking devices as taught by the König patent, it would have been obvious to one of ordinary skill in the art to apply the teachings of the König patent regarding the use of such burners to the oven of the Rhoads et al. patent to arrive at the invention claimed by Applicants. Applicants respectfully disagree. Rather, Applicants respectfully urge that, because the Rhoads et al. patent neither teaches nor suggests an oven comprising a rotating valve that is in both heated air communication and return air communication as required by the invention claimed by Applicants, one skilled in the art who combines the teachings of the König patent with the teachings of the Rhoads et al. patent would not arrive at the invention claimed by Applicants. Accordingly, Applicants respectfully urge that

Serial No.: 09/835,078

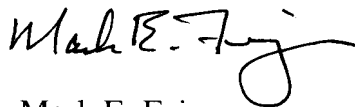
the Rhoads et al. patent and the König patent, alone or in combination, do not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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Serial No.: 09/835,078

MARKED-UP VERSION SHOWING CHANGES MADE

In the ABSTRACT OF THE DISCLOSURE:

Delete the paragraph following the heading ABSTRACT OF THE DISCLOSURE in its entirety and insert the following:

--An oven assembly having oppositely disposed first and second wall structures enclosing a cooking chamber, each wall structure having a plurality of spaced apart openings for passage of air therethrough. A rotating valve is provided, which is in heated air receiving communication and return air communication with a heat source and in heated air distributing communication with the first wall structure and in return air communication with the second wall structure whereby heated air is passed through the spaced apart openings in the first wall structure into the cooking chamber and return air from the cooking chamber is passed through the spaced apart openings in the oppositely disposed second wall structure and to the rotating valve for return to the heat source. The rotating valve is rotatable to be in heated air distributing communication with the second wall structure and in return air communication with the first wall structure.--